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| <b>The step under review</b> | <b>New Law on Public Prosecution and new Law on Council for Public Prosecutors adopted and timely implemented, in line with the EU acquis and European standards, including the opinion of the Venice Commission</b>   |
| <b>Baseline</b>              | <i>Baseline (2024) is 0.</i>   |
| <b>Deadline of the step</b>  | December 2025  |
| <b>Actual results</b>        | <p>The Working group for drafting the Law amending and supplementing the Law on the Public Prosecution and a Law amending and supplementing the Law on the Council of Public Prosecutors of the Republic of North Macedonia was established by the Minister of justice in October 2024 - with Decision No 08-578/3 dated 30 October 2024 (ANNEX 1). The Working group was subsequently expanded by Decision No. 08-578/4 dated 6 December 2024 (ANNEX 2) and the Decision No. 21-157/1 dated 16 January 2025 (ANNEX 3).</p> <p>The draft law amending the Law on Public Prosecution aimed to incorporate the recommendations and overcome the identified weaknesses in international reports and domestic strategic documents. Thus, the working group analysed the existing legal solution and reviewed the measures and activities envisaged by the : Justice Sector Development Strategy 2024-2028 and its Action Plan, the Reform Agenda, the GRECO recommendations, the Draft Rule of Law Roadmap, as well as the EC Progress Reports on the Republic of North Macedonia. The Working group held regular meetings, and the process was monitored by the IPA project “Support to the Rule of Law”, representatives of the US Embassy, OSCE representatives and expert and national advisor from the project EU4 FAST – WB.</p> <p>Accordingly, the working group prepared final text of the Draft-Law on Public Prosecution published on ENER for public consultation on 4 April 2025 (<a href="https://ener.gov.mk/Default.aspx?item=pub_regulation&amp;subitem=view_reg_detail&amp;itemid=80780">https://ener.gov.mk/Default.aspx?item=pub_regulation&amp;subitem=view_reg_detail&amp;itemid=80780</a>). After the 30-day deadline on ENER expired, all opinions received by the working group, as well as those submitted during the public consultations, were considered in two dedicated sessions on 29 and 30 May 2025, and at subsequent meetings in June.. Some of the comments and suggestions were incorporated in the draft law.</p> |

The working group was also given an extended mandate to work on the Law on the Council of Public Prosecutors. In April, May and June 2025, intensive work was carried out on the preparation of the text of the law.

The draft law was published on ENER on June 25, 2025.

([https://ener.gov.mk/Default.aspx?item=pub\\_regulation&subitem=view\\_reg\\_detail&itemid=111186](https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=111186)). After the public consultation procedure, the Working group reviewed and incorporated the acceptable comments and suggestions into the text of the draft-laws.

The texts of the both draft laws were translated and submitted for opinion to the Venice Commission (ANNEX 4).

On 1 and 2 September 2025, representatives of an expert team from the Venice Commission held individual meetings with representatives of the Working group for preparation of the laws (Ministry of justice, Council of Public Prosecutors, Association of Public Prosecutors), and with representatives from the Supreme Court, the Bar association, as well as representatives of civil society organizations.

The Venice Commission, at its 114-th plenary session held on 10 October 2025, adopted a Joint Opinion on the Draft Law on Public Prosecution and the Draft Law on the Council of Public Prosecutors of the Republic of North Macedonia (ANNEX 5), giving a **positive assessment** of the process and content of the developed draft laws and it welcomed the reform efforts of the Ministry of Justice. It was pointed that both draft laws are in line with international standards and implement all recommendations. Several additional proposals were also made in order to improve the legal texts.

The Draft Law on Public Prosecution was adopted by the Government during its session held on 30.12.2025. (ANNEX 6).

According to the Action Plan of the Justice Sector Development Strategy the adoption of both laws by the Parliament is scheduled for the second quarter of 2026.

The main novelties and improvements in the draft laws, which aim to enhance the functioning of the Public Prosecution and the Council of Public Prosecutors, are outlined below.

#### **Law on Public Prosecution**

The key changes of the Law on Public Prosecution relate to: evaluation of public prosecutors, election of the Public Prosecutor of the Republic of North

Macedonia, disciplinary procedure for public prosecutors and financial independence.

Regarding the evaluation of public prosecutors, it is determined that instead of every four years, the work of public prosecutors will now be evaluated every three years, with aim to ensure a more continuous and systematic review of professional performance. As well, a new provision has been introduced according to which, after a negative evaluation, the work of the public prosecutor will be re-evaluated after one year. This is a mechanism for monitoring and potentially correcting identified weaknesses.

Regarding the election of the Public Prosecutor of the Republic of North Macedonia, with aim to ensure transparency, inclusiveness and professionalism in the election process, the candidates are required to submit a Work Program and a CV, which provide insight into their vision and professional qualifications. It is foreseen that the Council of Public Prosecutors organizes a public session at which all candidates who meet the formal requirements present their program to the members of the Council and the general public. As well, with aim to achieve publicity of data, at least three days before the public session, the Council is obliged to publish the programs and biographies of the candidates on its website, which contributes to transparency and information.

Regarding the disciplinary procedure for public prosecutors, a clearer and more systematized disciplinary framework has been established that includes:

- Gradation of violations.

The disciplinary offenses are now categorized into:

- o minor disciplinary violation,
- o more serious disciplinary violation, and
- o most serious disciplinary violation,

According to the seriousness and consequences of the violation, the procedure can now be initiated : -ex officio, -upon receipt of information about a violation, or -upon the initiative of the Council of Public Prosecutors, based on a reasoned proposal from the Public Prosecutor of the Republic of North Macedonia (for all prosecutors) and the Senior Public Prosecutor (for prosecutors in higher and basic prosecution offices).

Regarding the deadlines and transparency, the Council is now obliged to decide on an appeal within 30 days. A representative of the Association of Public Prosecutors is also present at the hearing before the disciplinary committee, in order to guarantee professional representation. The disciplinary committee must complete the procedure within 6 months, or up to 9 months in more complex cases.

Regarding the protection from abuse, it is determined that if a public prosecutor requests dismissal while the disciplinary procedure is ongoing, it will continue until a final decision on his/her responsibility is made, without imposing a disciplinary measure. This provision aims to prevent abuses and re-application through a new announcement.

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|                                 | <p>An obligation to keep records of all disciplinary measures imposed has been established, as a tool for monitoring and systematizing disciplinary practice.</p> <p><b><u>Law on Council of Public Prosecutors</u></b></p> <p>The purpose of the Law on the Council of Public Prosecutors is to strengthen the role of the Council of Public Prosecutors in accordance with EU standards. The key novelties relate to the procedure for dismissal of the President and Deputy President of the Council, the increased role of the Council in the procedure for election and dismissal of the Public Prosecutor of the Republic of North Macedonia, strengthening the transparency of the work of the Council, introducing detailed criteria for the election of members of the Council and detailed regulation of the procedure for the dismissal of members of the Council.</p> <p>The procedure for electing members of the Council of Public Prosecutors from among public prosecutors is revised. There are also novelties in the composition of the Council of Public Prosecutors regarding members of the Council elected by the Parliament of the Republic of North Macedonia, which includes former judges of international courts and members of other international judicial bodies.</p> <p>The decision to elect public prosecutors is made by the Council at a session attended by at least two-thirds of the total number of members, and the candidate who received a majority of votes from the total number of members of the Council, who vote individually for all candidates on the ranking list, is elected as public prosecutor, and each member of the Council is obliged to orally explain his or her decision for or against the election of a public prosecutor at a session of the Council. The decision made by the Council must be reasoned, individualized and comparable, and the Council is obliged to deliver the decision to elect a public prosecutor to each candidate. The principle of fair and adequate representation is respected during the election.</p> |
| <p><b>Evidence provided</b></p> | <p><b>ANNEX 1-</b> Decision for establishing Working group to draft a Law amending and supplementing the Law on the Public Prosecution and a Law amending and supplementing the Law on the Council of Public Prosecutors of the Republic of North Macedonia - No 08-578/3 of 30.10.2024.</p> <p><b>ANNEX 2 -</b> Decision to supplement the Decision for establishing Working group to draft a Law amending and supplementing the Law on the Public Prosecution and a Law amending and supplementing the Law on the Council of Public Prosecutors of the Republic of North Macedonia - No 08-578/4 of 06.12.2024.</p>   |

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|   | <p><b>ANNEX 3</b> - Decision amending and supplementing the Decision for establishing Working group to draft a Law amending and supplementing the Law on the Public Prosecution and a Law amending and supplementing the Law on the Council of Public Prosecutors of the Republic of North Macedonia - No. 21-157/1 of 16.01.2025.</p> <p><b>ANNEX 4</b> – MoJ Request for Opinion from the Venice Commission.</p> <p><b>ANNEX 5</b> – Venice Commission Joint Opinion on the Draft Law on Public Prosecution and the Draft Law on the Council of Public Prosecutors of the Republic of North Macedonia.</p> <p><b>ANNEX 6</b> – Conclusion of the Government Session – adopting the Law on Public Prosecution.</p> |
| <p><b>Checks performed in the verification of the step and related findings</b></p> | <p>In the preparation of the draft text of the laws, the Working Group took into account the relevant international and EU standards. The laws were published at ENER for public consultation. The relevant public opinions were taken into consideration and incorporated in the text of the laws.</p>   |
| <p><b>Compliance with general principles and DNSH principle</b></p>                 | <p><i>The implementation of the steps does not contravene the general principles outlined in Article 4 and 11(4) of Regulation (EU) 2024/1449 and Article 3 of the Facility Agreement.</i></p> <p><i>The implementation of the steps does not contravene the ‘Do No Significant Harm’ principle (DNSH).</i></p>   |
| <p><b>Double funding</b></p>  | <p>Contributions from third parties were not reported in support of the achievement of this step.</p>   |
| <p><b>Clear conclusion on the achievement of the step</b></p>                       | <p><b>Not achieved</b></p>  |